



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicants : James E. Toney
Serial No. : 10/658,105
Filed : September 9, 2003
Title : MULTI-BARRIER PHOTONIC HETEROSTRUCTURES
Docket : BAT 0063 PA/40078.243
Art Unit : 2811

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James E. Beyer

Reg. No. 39,564

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.56, 1.97, AND 1.98

Applicant submits herewith patents, publications, and other information of which he is aware, which he believes may be material, as defined in 37 CFR §1.56(b), to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56(a). While the information referred to in this Information Disclosure Statement may be material pursuant to 37 CFR §1.56(b), the filing of this Information Disclosure Statement is not intended to, pursuant to 37 CFR §1.97(h), constitute an admission that any patent, publication, or other information referred to is, or is considered to be, material to the patentability of this invention. No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103, and Applicant reserves the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish otherwise. Further, pursuant to 37 CFR §1.97(g), the filing of this Statement should not be construed as a statement that a search has been made or that no other material information exists.

Serial No. 10/658,105
Docket No. BAT 0063 PA/40078.243

This Information Disclosure Statement is being filed within the period set forth in 37 CFR §1.97(b) because it is believed to be filed before the mailing date of a first office action on the merits.

The Office has waived the requirement pursuant to 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. Therefore, no copies of each cited U.S. patent and each cited U.S. patent application publication are enclosed, but the cited U.S. patents and the cited U.S. patent application publications are listed on PTO/SB/08A.

Respectfully submitted,
DINSMORE & SHOHL LLP

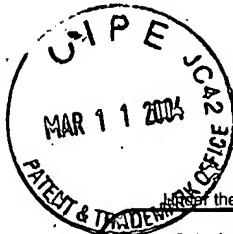
By



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PTO/SB/08A (08-03)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Substitute for form 1449/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	10/658,105
		Filing Date	September 9, 2003
		First Named Inventor	James E. Toney
		Art Unit	2811
		Examiner Name	
Sheet	1	of	2
		Attorney Docket Number	BAT 0063 PA/

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

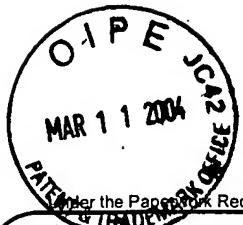
FOREIGN PATENT DOCUMENT				
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)		Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		WO 98/53350 A	11/26/1998	Deutsche Telekom AG
		WO 01 77726 A	10/18/2001	BTG International Ltd.
		EP 0 953 853 A	11/03/1999	Shin-Etsu Handotai Co.

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Sheet 2 of 2 Attorney Docket Number BAT 0063 PA/

NON PATENT LITERATURE DOCUMENTS

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